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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,556	11/08/2001	Dave Gothard		8258

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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/010,556

Applicant(s)

GOTHARD, DAVE

Examiner

Julie Lieu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 11/8/01.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

1. The preliminary amendment filed November 18, 01 has not been entered because it is not compliant to 37 CFR 1.121. A notice was mailed by the Office regarding this matter on August 13, 02. However, there was no response was made to this notice. The examiner made several phone calls (at least 3-4 times) in September, 02 to Mr. Schaap regarding this matter and with the intention to propose a minor change in a claim to put the application in condition for allowance but no response was received though a message had been left with Mr. Schaap's secretary every single time the attempted phone call was made.

Due to lack of response and the ONE month time limit has expired, the application is examined as it is originally filed.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 1-2, 4-9, and 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malec (US Patent No. 5,287,266).

Claim 1:

Refer to Malec fig. 4 or, top page figure and fig. 9A,

- a. The claimed display sign is met by flat panel display 514
- b. The claimed processing means is met by the processor 1311 of display 514 for generating a display on the display panel from signals transmitting from a remote source 502
- c. The claimed display generating means at the remote source is met by the computer 502 for generating a display in the form of an electrical signal capable of being transmitted
- d. The claimed means 502 at the remote source for transmitting electrical signals representative of that display to the processor means at the display sign.

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The display 514 is not specifically identified as a high-resolution display. However, it would have been obvious to one of ordinary skill in the art to use a high resolution display in the system of Malec's because high resolution displays are well known in the art and they are available and desirable for providing sharper pictures.

Claim 2:

Display 514 is self-contained to be able to generate a plurality of different display stored in a storage of the display processing 1311.

Claim 4:

The display generating means is incorporated in the computer 502 for generating a display and transmitting electrical signals representative of the display over an electrical conductor or by non-electrical conductor means. Fig. 4

Claim 5:

The computer means 502 at the remote source receive signals over the World Wide Web (WAN or LAN, which are conventional Internet or World Wide Web) which are used to generate a display.

Claim 6:

The display generating means, computer 502, also includes means 510 for scanning a copy of a document and means for introducing additional input based on manual actuation of an operator to alter the document, and a computer means at the remote source to aid in transmitting electrical signals representative of the generated image to the display sign. Col. 2 lines 23-34.

Claim 7:

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The processing means 1311 comprises a storage capable of storing a plurality of differing images to be presented and a sequencing means to cause sequential display of certain of the images. Col. 7, lines 52 and col. 8, lines 14-16.

Claim 8:

Refer to Malec fig. 4 or, top page figure and fig. 9A, Malec discloses a processor means 1311 of display 514 for receiving an electrical signal from a remote source 502 representative of the display to be generated and generating a display on the display panel from signals transmitting from a remote source 502. The display 514 does not have an outer housing. However, it would have been obvious to one of ordinary skill in the art to use an outer housing for display 514 because it would be desirable to use a housing to protect the display especially when it is used in an environment where the display can easily abused by consumers.

The display 514 is not specifically identified as a high-resolution display. However, it would have been obvious to one of ordinary skill in the art to use a high resolution display in the system of Malec's because high resolution displays are well known in the art and they are available and desirable for providing sharper pictures.

Claim 9:

Display 514 is self-contained to be able to generate a plurality of different display stored in a storage of the display processing 1311.

Claims 11-12:

Malec fails to disclose ventilation means. However, though not explicitly shown in the references, it would have been obvious to one of ordinary skill in the art that a display with ventilation means is conventional in the art. Thus, it would have been obvious to one skilled in

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the art to provide ventilation in the display in the display of Malec because it is conventional to dissipate the heat generated by the electronics in a display. Also, it would have been obvious to one skilled in the art to provide air inlet means and separate air outlet means and separate fan means for moving air through the housing as done in conventional ventilating system for computer system.

Claim 13:

Display 514 is a self-contained computer controlled flat panel display screen assembly

Claim 14:

The display processor contains a memory with size sufficiently large to contain all of the information necessary to sequentially display a plurality of stored displays (it further includes games, etc...)

Claim 15:

Malec fails to specifically disclose a transparent protector for display 514. However, it would have been obvious to one of ordinary skill in the art to provide a protector sheet for the display because it would be desirable to protect the display in Malec from the environmental conditions. Further, it would have been obvious to one of ordinary skill in the art using protector screen that provides an air gap therebetween because this kind of protector is conventional and readily available in the market.

Claim 16:

The claim mounting means and its structure would not be considered as an inventive step because the function of the device would not thereby be modified. Moreover, one of ordinary

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skill in the art would have readily recognized securely mounting the display onto the cart so that it would not be removed especially when the display is used in this environment.

Claim 17:

Refer to Malec fig. 4 or, top page figure and fig. 9A, Malec discloses a processor means 1311 of display 514 for receiving an electrical signal from a remote source 502 representative of the display to be generated and generating a display on the display panel from signals transmitting from a remote source 502. The display 514 does not have an outer housing. However, it would have been obvious to one of ordinary skill in the art to use an outer housing for display 514 because it would be desirable to use a housing to protect the display especially when it is used in an environment where the display can easily abused by consumers.

The display panel 514 is observable to a viewer. The claimed processor means is met by the processor 1311 of display 514 for controlling the display presented on the display panel, the processor is capable of altering the direction and manner in which a display is generated on the screen and to provide animation to a display provide or service (game) to increase the consumer appeal to the displayed product or service. Col. 5 lines 4 to 53.

Claim 18:

The display 514 in Malec does not have a shelf space for holding the product. However, this only present a choice in design but does not constitute an inventive step because the display still function the same as providing information to viewer when it is located at a shelf location where the product is held.

Claim 19:

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Malec discloses an apparatus, thus a process for generating a display on a display sign from a remote source, the process comprising:

- a. Providing a display panel 514 at a location having viewing accessibility
- b. Generating a display at a remote source 502 and converting the display as generated to equivalent electrical signals
- c. Transmitting the electrical signals to a processor at the display panel and operating the display panel
- d. Causing generation of a display on the display panel based on the transmitted electrical signals.

The display 514 is not specifically identified as a high-resolution display. However, it would have been obvious to one of ordinary skill in the art to use a high resolution display in the system of Malec's because high resolution displays are well known in the art and they are available and desirable for providing sharper pictures.

Claim 19:

The process comprises generating the display from a plurality of sources including of pre-generated material to obtain image therefrom.

5. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malec et al. (US Patent No. 5,287,266) in view of Iannini (US Patent No. 5,089,745).

Claims 3 and 10:

Malec fails to disclose a plasma operated display panel. However, the use of plasma display for use in advertisement is well known in the art as stated in Iannini. Col. 1, lines 30-32.

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In light of Iannini, it would have been obvious to one skilled in the art to have readily recognized using plasma display in place of the display in Malec et al. because such display is conventional and it is only up to the designer's discretion what kind of display to use depending on its feasibility, cost, and availability.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Amo et al., US Patent No. 5,844,181, discloses an information display system

Dumond, Jr. et al., US Patent No. 5,218,629, discloses a communication system for message display onboard mass transit vehicles.

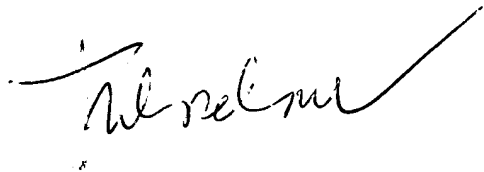
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 703-308-6738. The examiner can normally be reached on Mon-Fri, 9:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 703-308-6130. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-8576.

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A handwritten signature in black ink, appearing to read "Julie Lieu", with a long, sweeping horizontal line extending to the right.

Julie Lieu
Primary Examiner
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jl
January 13, 2003